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Holding the Line: Labor's Safety & Health Movement

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Holding the Line: Labor's Safety & Health Movement

Abstract

[Excerpt] Is OSHA finally enforcing the law after years of laxity? Or, as most activists and analysts involved in safety and health believe, do the high-profile penalties constitute an attempt by OSHA to shore up its reputation? A recent independent federal study, the conclusions of which were confirmed by the agency's own consultants, found OSHA in a state of "total paralysis." Another, private, study by the National Safe Workplace Institute showed that OSHA's inspections are inadequate and untimely, that the agency consistently fails to insure that what hazards it does uncover are corrected, and that it often and unjustifiably reduces its fines against firms that willfully and repeatedly violate the law.

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Holding the Line

Labor's Safety & Health Movement

LANCE COMPA

The rash of fines recently inflicted on major corporations by the Occupational Safety and Health Administration (OSHA) has put the state of the American workplace higher in the national consciousness than it has been since the early, crusading days of the Occupational Safety and Health Act of 1970. IBP, the nation's largest meatpacking company, was slapped with a record \$2.6 million fine for falsifying records at its Dakota City, Neb. plant. Chrysler's penalty for safety and health violations at its Newark, Del. facility exceeded \$1.7 million. General Dynamics, Caterpillar Tractor, and John Morrell & Co. were each fined over half a million dollars for various violations of the health and safety statute.

Is OSHA finally enforcing the law after years of laxity? Or, as most activists and analysts involved in safety and health believe, do the high-profile penalties constitute an attempt by OSHA to shore up its reputation? A recent independent federal study, the conclusions of which were confirmed by the agency's own consultants, found OSHA in a state of "total paralysis." Another, private, study by the National Safe Workplace Institute showed that OSHA's inspections are inadequate and untimely, that the agency consistently fails to insure that what hazards it does uncover are corrected, and that it often and unjustifiably reduces its fines against firms that willfully and repeatedly violate the law.

OSHA's surrender of its responsibility, moreover, began at the same time as the "Get OSHA Off Our Backs" campaign conducted by business during the early 1980's—a campaign which combined political rhetoric with pseudo-academic complaints about over-regulation. The Right has had license under Reagan to suffocate the issue of occupational safety and health from both within government and without.

But the issue has refused to go away—the persistence of death, disease, and injury in the workplace has made sure of that. Equally important to maintaining

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Michael Kaufman/Impact Visuals

public concern over workers' safety and health—concern that ultimately led OSHA to levy its face-saving fines—has been the work of occupational safety and health activists. For while the labor movement as a whole has suffered a sharp decline in membership and strength over the past two decades, labor's safety and health activists have refused to retreat. Indeed, the enduring vitality of the occupational safety and health movement has provided much of the energy driving labor's efforts to reverse its fortunes and grow again.

Hard Times for Labor

The unions' decline has been acknowledged not only in the press, but by the labor movement itself. Thirty years ago, unions represented more than one-third of

Above, member of the Independent Federation of Flight Attendants pickets outside the TWA terminal at New York City's Kennedy International Airport.

the American workforce; that figure has fallen below one-fifth. With strikes rarer than ever, concessionary bargaining marks the strategies of many of today's labor negotiators. Perceptions of Big Labor as a powerful political and legislative force turned to skepticism in the wake of the Mondale debacle and a long series of setbacks in Congress.

Most analysts blame the downturn in labor's fortunes on structural changes in the economy. The service sector is growing, traditional union bastions in basic industry are shrinking, and what growth in manufacturing is taking place occurs largely in non-unionized sectors, such as high technology. As massive, old urban factories employing thousands of workers reach the end of their useful lives, companies are replacing them with smaller plants in semi-rural areas devoid of union history and sentiment.

The demise of the union, however, stems from more than just economic restructuring; business has hurried the process. During the postwar economic expansion, industry could afford to accede to some of labor's demands. Unions returned the favor by expelling their left-wing members and wedding themselves to the Cold-War, free-enterprise philosophy embraced by both government and business. But when American domination of the world economy began to falter in the 1970's, companies returned to a time-tested method of juicing up profits: union-bashing. Many employers are now not just resisting union organization in new facilities by hiring union-busting consultants who specialize in stopping organizing drives, they're even trying to rid themselves of incumbent unions through decertification campaigns and strikebreaking.

Internal weaknesses, too, have contributed to labor's difficulties. Many union leaders are now questioning labor's ideological commitment to capitalism, fearing it has disarmed them of clear alternatives to the corporate agenda. Others argue that, as lawyers and economists have taken over the functions of organizers and mobilizers, labor has become bureaucratized, its grassroots character poisoned. Finally, political action has been largely confined to rote support for Democratic candidates, with few attempts at independent political action.

Energy and Commitment

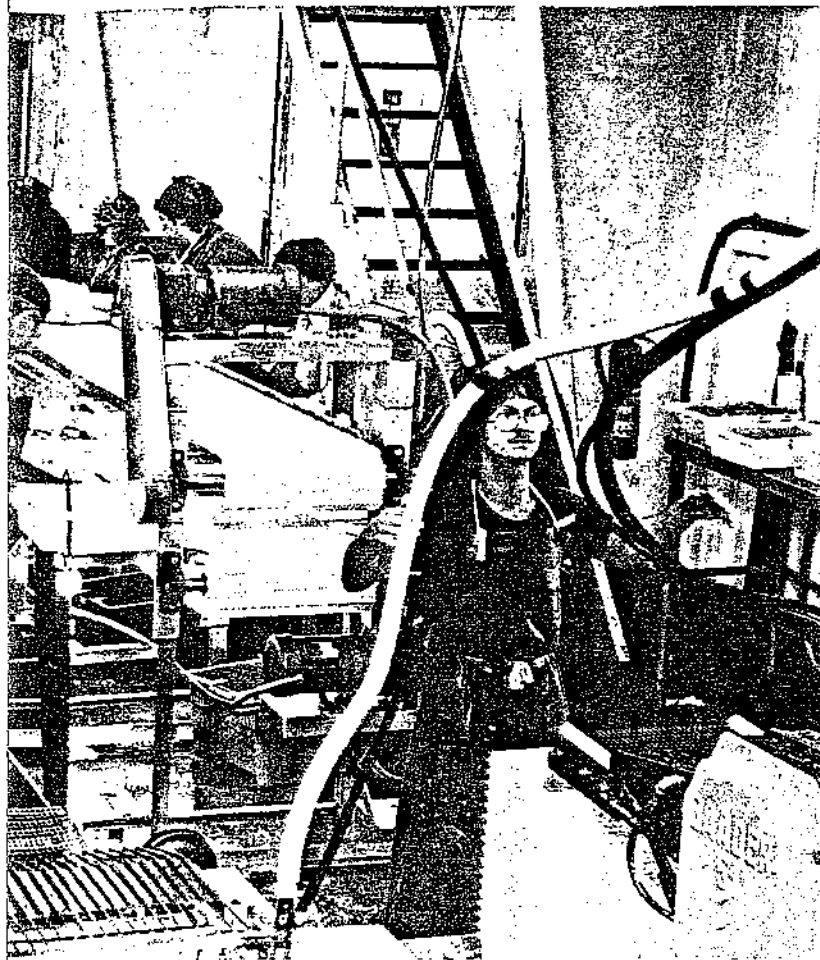
While labor has stalled, though, its safety and health movement has pressed forward, serving as a core of activism while organizing, bargaining, and political work are in turmoil. With all their problems, many unions were able to stay on the offensive over safety and health issues. Thousands of young workers who might otherwise have been made cynical by their unions' stumbling have instead become labor stalwarts thanks to their involvement in health and safety advocacy on the shop-floor. Safety and health staffers hired to run new union programs brought with them an energy and commitment that local union leaders and members had not seen for decades, while a flood of conferences and publications educated local unionists about workplace hazards and about their rights—under both OSHA and their contracts—to fight for a safer workplace.



Several successful efforts at unionization started as disputes over occupational health. The education of workers and the public about the hazards of cotton dust by members of the Amalgamated Clothing and Textile Workers Union contributed mightily to the union's success in organizing J.P. Stevens & Co. in the late 1970's. Safety and health problems became key organizing issues in the United Electrical Workers' successful effort at the Litton microwave-oven plant in Sioux Falls, S.D., the United Steelworkers' breakthrough at the Newport News Shipbuilding Company in Virginia, and last year's victorious campaign by the United Food & Commercial Workers Union to organize thousands of catfish-processing workers in the Mississippi delta. The hazards of the workplace were critical issues in strikes by meatpackers, miners, and others.

Under the guidance of the AFL-CIO, unions have stopped OSHA's attempts to relax standards governing the presence of lead and cotton dust in the workplace and to weaken regulations mandating access to medical records. The unions have pushed OSHA to propose standards for the safe manufacture of ethylene oxide, asbestos, formaldehyde, benzene, ethylene dibromide and other chemicals. Galvanized by the conviction, for murder, of executives of a film-processing plant in Illinois who deliberately allowed their employees to be poisoned, state and local prosecutors are bringing new criminal actions against other managers of unsafe workplaces.

The issue of occupational safety and health, moreover, has linked the labor movement to community groups, environmentalists and feminists. In many cit-



Katherine McGlynn/Impact Visuals

Fish-processing workers, like these in Rockland, Me., have a high incidence of skin disease from performing repetitive tasks with their hands immersed in water, chemicals, and fish.

ies, local coalitions on safety and health, known as COSH groups, have united union and community activists in creating programs to promote health in the workplace and the environment. In many states and cities these groups have successfully campaigned for "right-to-know" laws and ordinances, which require companies to disclose the nature and effects of chemicals and other materials used in the workplace and which have forced OSHA to issue its own right-to-know standards for the manufacturing industries.

The AFL-CIO's Industrial Union Department has formed the OSHA-Environmental Network to defend, through joint action by labor and environmental activists, regulations relating both to occupational health and to environmental protection. The Network's support for the federal High Risk Notification Bill, which requires industry to disclose information about dangerous workplaces, helped get the legislation through the House of Representatives last October. Unions and communities worked together to stop the Schweiker bill, a 1980 OSHA "reform" measure that would have gutted the Act; the effort remains a model of grassroots political action that taught valuable organizational and lobbying skills to thousands of workers.

And just as the issue of safety and health has helped the unions, the presence of unions helps workers win gains in safety and health. A recent study by Harvard's

A Workplace Victory

In 1986, workers in the central supply department of Washington Hospital in Washington, Pa. decided they'd had enough. For several years they had been experiencing burning, itching, and numbness from working with the hospital's sterilizing equipment, and suspected that some of their former co-workers had developed cancer for the same reason. But the hospital agreed to take action only after the workers confirmed that they were being poisoned by ethylene oxide gas (EtO), a sterilant and carcinogen, and campaigned to stop it through their union's safety and health committee.

The workers' first move was to contact Laura Job, director of the Occupational Safety and Health Program of 1199, the National Hospital Union. Job analyzed the federal standard designed to protect employees from EtO and created a checklist which the workers used to gauge the extent of the violations. Together, they documented 14 violations in all. They also compiled a list of workers with complaints traceable to EtO exposure and another of those suspected to have developed cancers from the gas.

Armed with these specifics, the committee organized union members at the mid-sized rural hospital around the goal of winning maximum protection. "Quickly it became a union-wide issue," reports Job. Workers campaigned until management agreed to meet and remedy the problem. "I told [management] if they wouldn't give us what we needed, I'd just grab onto their jackets, or their pantlegs, or take them by the hand until they gave in," Twila Martin, a worker at Washington, told the union's newsletter *Occupational Health Matters*.

The hospital agreed to install a new sterilizer, provide protective equipment, conduct regular examinations and tests to detect any effects of exposure, and draft an emergency plan against the occurrence of a gas leak or spill. Even before the plan was completed, however, a leak occurred that exposed one worker directly and indirectly exposed several others. The workers, already trained by their committee, evacuated the central supply office and went directly to the emergency room for examination. None had been harmed.

"Workers realize that it is foolish to rely on management or the government to protect them. They know they have to protect themselves," Job told the *Bulletin*. "The safety and health arm of our union is anything but a library; it is an organizing force which strengthens and educates workers about their rights and powers. If safety and health is about anything, it's about empowering people."

-Joe Gordon



Jim West/Impact Visuals

UAW members strike Chrysler's Highland Park, Mich. plant, demanding adequate blower systems to ventilate carcinogenic dust created in the modeling of plywood plastics. There was a high incidence of cancer deaths in the plant, where workers won safety gains in the 1983 action.

Center for Business and Government found that union representation gives workers dramatic advantages in OSHA proceedings. While union employees exercised their "walkaround" right—their prerogative of accompanying OSHA inspectors on tours of their workplaces and assisting them in identifying hazards—in 70 percent of inspections of union sites, only four percent of non-union workers exercised this critical right. The presence of a union in large workplaces, moreover, vastly increases the probability of inspection: non-union companies with more than 500 workers face a 16 percent chance of receiving an OSHA inspection each year, while for a comparable site that is organized, the likelihood is 95 percent. And when inspections do occur, the typical OSHA official devotes 24 hours more to his or her inspection of a unionized workplace than to that of a non-union plant.

In part because safety and health activists kept fighting during the lean years, the crisis of trade unionism has eased. In June the nation's 11,000 air traffic controllers voted to form a new union; their earlier one, PATCO, was smashed by Ronald Reagan during their 1981 strike. Though many had been strikebreakers, the controllers, forced to collective action by traditional union issues such as workload, work pace, mandatory overtime, and mistreatment by management, voted for renewed union representation by a margin of two to one. In the same month, over 2,000 workers at a printing plant in Kingsport, Tenn. voted to reorganize 25 years after their original union had been ousted following a broken strike.

A Brightening Outlook

These notable returns to unionism reflect a discernible shift in labor's fortunes. The decline in membership, which neared half a million a year in the early 1980's, dropped to just 21,000 in 1986. The typical union member got a raise in pay of \$21 a week last year, compared to one of \$10 a week for his or her non-union

counterpart. "Her" indeed: the number of women in unions actually rose by 70,000 last year, a sign that the most significant social migration of this half-century—the movement of women into the workforce—is attracting new converts to unionism.

All over the country union staffers report a lift in prospects for organizing and bargaining. The paralysis of the Reagan presidency has played a part in this. While Reagan was riding high, his reputation as an anti-labor president made workers wary of agitating for their rights. With the president slipping out of his saddle, workers have gained new confidence, believing that what happened to the air traffic controllers can no longer happen to them.

The shift in the national mood has political consequences for labor. Unions played a key part in winning the Senate from Republican control in 1986, and with the Democratic Party having a good chance of recapturing the White House in 1988, labor's political apparatus—the one that took such a licking in 1984—is now geared for work with a tough campaign's worth of skills and experience at the ready. Labor's role could be decisive in the election, paying dividends in the policy fights to follow.

There is good reason to think all this new optimism is not misplaced. The American labor movement has taken the worst blows an anti-labor administration in Washington and an anti-union offensive by employers could throw at it—and still it stands, ready to swing back.

Occupational safety and health activists, furthermore, have not only fueled the resurgence of the labor

movement, they have formed an ideological vanguard, as well, by confronting the philosophical choices that will determine the future of the labor movement.

Industrial Unionism vs. Enterprise Unionism

Union professionals who deal with health and safety, for instance, sharply debate the extent to which their issues are politically neutral—that is, capable of being solved regardless of which economic system predominates. They argue over the merits of joint labor-management committees where safety and health concerns are seen as a shared interest, as opposed to independent, union-only committees that approach safety and health problems as an issue resolvable through adversarial bargaining. Finally, they discuss the danger of “technocratization,” of their becoming specialists in a highly technical field, whose job consists of relieving rank and file workers of, rather than involving them in, safety and health matters. All these are dilemmas which the larger community of labor activists will have to face soon, if they are not facing them already.

In many respects these discussions are tributaries of the most important debate going on in the labor movement, the debate between industrial unionists and enterprise unionists, a struggle whose outcome will shape the labor movement into the next century. The new industrial unionists want to revive CIO-style militance, industry-wide structures for organizing and bargaining, and independent, class-based political action in the labor movement. Enterprise unionists see the CIO model as outmoded in today’s economy and today’s society. For them, unions must cooperate with management, tailoring their strategies for organizing

and bargaining to the needs of the firm in question and taking responsibility for that firm’s financial success. The tying of increases in wages to productivity and profits, the presence of workers on boards of directors, their participation in management, and their ownership of stock—these, according to enterprise unionists, are the new initiatives that unions must turn to if they are to survive and prosper in the 21st century.

Clearly, the movement for occupational safety and health lies squarely in the camp of industrial unionism. The movement has created a community which cuts across the jurisdictional lines that bedevil the labor movement, bringing unions together in struggles for stronger legislation, tougher enforcement by OSHA, and environmental protection. There is no surprise in this: a machine operator swallowing cutting oil fumes at a lathe in a Rockwell plant in California has the same problem as a worker at the same lathe in Baltimore’s Bethlehem Steel plant. They need a single solution to their problem, not one solution at Rockwell and another at Bethlehem Steel, each dependent on the relative profitability of their employers.

Occupational safety and health activists, from the epidemiologist and the industrial hygienist on union staffs, who study the problem at its broadest level, to the shop floor steward taking up a specific health-related grievance, are critical players on a team of organizers trying to rebuild democratic industrial unionism in the American labor movement. □

Unhealthy and dangerous working conditions are rampant among migrant farmworkers. Here a nine-year-old labors with family members on a Maryland cucumber farm.



Philip Decker/Impact Visuals